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C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 000262

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TAGS: [PGOV](#) [PREL](#) [KPKO](#) [SU](#) [AF](#)

SUBJECT: P-3 MEET TO DISCUSS HUMANITARIAN SITUATION IN SUDAN

Classified By: Ambassador Susan E. Rice for reasons 1.4 (b) and (d).

11. (C) Summary: On March 12, French Perm Rep Ripert hosted a P-3 meeting with UK Ambassador Pierce and U.S. Ambassador DiCarlo to discuss future Council action regarding the humanitarian situation in Sudan. The P-3 agreed to request an additional briefing from the UN Office for the Coordination of Humanitarian Affairs (OCHA). The P-3 discussed whether to press for a tough Security Council Resolution but did not reach consensus on this issue. The P-3 did agree on the need to continue lobbying key African Union/Arab League countries with influence on the Government of Sudan. Ripert recommended that capitals should be engaging with one another at the humanitarian expert level, to ensure coordinated contingency planning in the event a humanitarian crisis emerges. The P-3 also briefly discussed the African Union (AU) and Arab League request to brief the Council on Article 16 deferral of the prosecution against President Bashir. Ripert indicated that his AU and Arab League contacts had said that this briefing would not be scheduled for next week, but more likely for the end of March or early April. End Summary.

UK Position

12. (C) Charge Pierce indicated that the UK publicly would continue to call for a reversal of the decision to expel NGOs and also would encourage NGOs to use the 30-day appeals process under Sudanese domestic law. Pierce said that privately, the UK has engaged with the Chinese, African Union and Arab League, urging that they persuade Bashir to reverse his decision. Pierce noted that London had endorsed a sequenced approach to the issue in terms of Council action, indicating that we should regularly request briefings to update the Council on the humanitarian situation in Darfur and maintain a "steady drum beat," but had not reached a conclusion as to whether a Security Council resolution is needed. Pierce said that the threat of a potential resolution could provide helpful leverage with difficult Council members.

French Position

13. (C) French Perm Rep Ripert noted that, while he had briefly discussed this issue with Ambassador Rice last week and also raised this with Foreign Minister Kouchner, Paris did not have a position with regard to Council action on the humanitarian situation in Sudan. Ripert said that Eric Chevallier, Crisis Management Advisor to Kouchner, had indicated that, at present, the humanitarian situation in Darfur was "not terrible." Ripert supported asking for an OCHA briefing next week, but stressed that the tone for such a briefing should be positive.

14. (C) Ripert questioned whether the P-3 should fight for a written product from this briefing and noted that Council members who support Article 16 deferral would insist on including language referencing the ICC in any proposed

statement or resolution as they have previously. Ripert urged that the P-3 be cautious in trying to negotiate an outcome from the OCHA briefing. He said that the P-3 should "test the waters" and that now is not the time to engage in a difficult fight. Ripert also stated that any text that included tangible actions would be difficult to negotiate. China and Russia most certainly would veto a resolution mandating new sanctions at this time. He observed that without tangible actions, a written product would be weak and not the message we would want to send.

#### U.S. Position

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15. (C) Ambassador DiCarlo indicated that United States was looking at the best course of action with respect to Council response to the NGO expulsions. DiCarlo said that the U.S. was intensively lobbying high-levels in key countries that have sufficient influence over Bashir to persuade him to reverse the expulsion decision. DiCarlo also said that the U.S. would support receiving a briefing by OCHA next week. Further, she stated that we supported seeking Council action, including a tough resolution, but that we would need to do some preparatory work, particularly in convincing Uganda and Burkina Faso to join in these efforts. She agreed with Charge Pierce that the threat of a potential resolution would be helpful leverage in getting Council members such as China to put more pressure on Bashir.

#### The AU/Arab League Briefing

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16. (C) French Perm Rep Ripert raised the AU/Arab League request to brief the Council concerning Article 16 deferral of the Bashir indictment. Ripert noted that both the AU and the Arab League realize that the GOS expulsion of NGOs significantly weakens their arguments in support of deferral. He stated that his AU and Arab League contacts had told him that this briefing would not take place next week but could take place at the end of March or early April. Ripert also said that Bashir is now seeking reversal of the entire ICC process as opposed to Article 16 deferral and that this is a much more difficult position for the AU/Arab League to advocate. Ripert also said that Libya is putting pressure on Khartoum to search for a way out of this dilemma and observed that Libyan Secretary for African Affairs Ali al-Turayki would travel through Paris to New York in advance of next week's AU/UN Panel Report discussions in the Council.

#### Next Steps

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17. (C) P-3 raised concerns about how the UN would fill the gaps since Bashir was unlikely to rescind the GOS decision. Ripert also noted that planning needed to be done for worst case scenarios and suggested that P-3 humanitarian experts might discuss this. Greater discussion and coordination among capitals was needed on this issue.

18. (C) Ripert also raised concerns regarding new outbursts of violence that evolve from a deteriorating humanitarian situation. DiCarlo noted that the UN-AU Hybrid Mission in Darfur (UNAMID) was only at 64 percent capacity, and the UN needed to accelerate additional deployments. She suggested that the Group of Friends of UNAMID might review once again how the Friends might assist with needed training, equipment and other support for these deployments. Some members of the Friends might be more amenable to coming forward now with this support in light of concerns regarding a possible deterioration of the security situation.

Rice